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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,089	11/13/2001	Dan H. Nowlin	ITL.1860US (P12911)	4764
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TROP, PRUNER & HU, P.C. 1616 S. VOSS RD., SUITE 750 HOUSTON, TX 77057-2631			EXAMINER PEACHES, RANDY	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAN H. NOWLIN,
HARI K. TADEPALLI,
AND PAUL R. ZURCHER

Application No. 09/991,089
Technology Center 2617

Mailed: January 22, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

On March 20, 2007, appellants filed an Appeal Brief. On page 4, under the heading “Status of claims” the Appellants states that “. . . Claims 13-18 stand cancelled . . .” In response, an Examiner’s Answer was mailed on August 9, 2007. While the Answer notes that “The statement of the status claims contained in the brief is correct” [page 2], the Examiner’s Answer failed to cancel claims 13-18 in the statement of the rejection. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for a determination regarding the status of claims 13-18; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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TROP, PRUNER & HU, P.C.
1616 S. VOSS RD., SUITE 750
HOUSTON TX 77057-2631